IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Special Appeal No. 84 of 2004

Praveen Bhatt S/o Sri K.C. Bhatt,
R/o 5/588, Malla Gorakhpur,
Haldwani, District Nainital. ……. Appellant

Versus

1. State of Uttaranchal through Principal Secretary,
   Information Technology, Secretariat,
   Dehradun.
2. Managing Director,
   U.P. Hill Electronics Corporation Ltd. (HILTRON),
   252 Indra Nagar, Dehradun.
3. District Incharge, Kumtron Ltd.,
   252 Indra Nagar, Dehradun.
4. Executive Director,
   U.P. Hill Electronics Corporation Ltd. (HILTRON),
   252 Indra Nagar, Dehradun. ……. Respondents

Mr. Lok Pal Singh, Advocate for the appellant.
Mr. N.C. Gupta, Standing Counsel for respondent No.1.
Mr. B.D. Upadhyaya, Advocate for respondents Nos. 2& 4.
None for respondent No.3

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C. J. (Oral)

Mr. Lok Pal Singh, Advocate for the appellant.

Mr. N.C. Gupta, Standing Counsel for respondent No. 1.

Mr. B.D. Upadhyaya, Advocate for respondents Nos. 2 & 4.

None for respondent No. 3.

They are heard.

2. Appellant Praveen Bhatt has filed this Special Appeal against the impugned judgment dated 22.06.2004 passed in Writ Petition No. 53 of 2004 (S/S), whereby the petitioner's writ petition was dismissed as infructuous on account of the winding up of Kumtron Ltd.

3. Mr. Lok Pal Singh, the learned counsel for the appellant submits that the writ petition has been wrongly dismissed by mentioning that the same was rendered infructuous on account of the winding up of the Kumtron Ltd., as no such averment was made by Kumtron Ltd. in its counter affidavit.

4. During the course of hearing, it also transpired that the petitioner has filed another writ petition, which came to be numbered as Writ Petition No. 1977 of 2003 (S/S) and the same is pending for hearing.

5. At this juncture, Mr. Lok Pal Singh, the learned counsel for the appellant sought permission to withdraw the Special Appeal with the liberty of pursuing Writ Petition No. 1977 of 2003 (S/S) and to demonstrate in the said writ petition that the fact of winding up of Kumtron Ltd. recorded in the impugned judgment dated 22.06.2004 is not factually correct.

6. Permission granted.

7. With the above liberty, the Special Appeal is dismissed as withdrawn.

8. With the above order, CLMAs Nos. 2001 for 2005 and 5430 of 2006 also stand dismissed as withdrawn.

(J.C.S. Rawat, J.) **(Rajeev Gupta, C.J.)**
25.08.2006 25.08.2006

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